

REMARKS

The present amendment amends claims 24, 26, 28 and 30 and cancels claim 25. In accordance with the rules governing amendments after a notice of allowance, Applicants point out the following: (A) why the amendment is needed; (B) why the proposed amended or new claims require no additional search or examination; (C) why the claims are patentable; and (D) why they were not presented earlier.

The foregoing amendments are taken in the interest of expediting issuance of the application and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

A. Why the Amendment is Needed

The Amendment to claim 24 is needed to clarify a potential lack of clarity in that claim. In particular, Applicants believe that the changes made to claim 24 by the Examiner's Amendment, which was included with the Notice of Allowance, has the potential to make the metes and bounds of claim 24 unclear. Such changes are believed to potentially be in contradiction to the language of that claim reading "the polymer chains are formed separately from the cross-linked matrix". As such, Applicants have removed the language suggesting "the polymer chains are formed separately from the cross-linked matrix" from the claim and have left the language added by the Examiner's Amendment. Claim 25 was canceled to avoid having claims that read exactly the same and claims 26, 28 and 30 were amendment to assure that they properly depend from claim 24.

B. Why the Proposed Amended or New Claims Require No Additional Search or Examination

The amended claims require no additional search or examination because the removed phrase (i.e., the polymer chains are formed separately from the cross-linked matrix) was part of an alternative clause of claim 24 and removal of the phrase actually narrows the claim. In particular, claim 24 formerly read:

either:

- ii) the polymer chains are formed separately from the cross-linked matrix; or
- ii) a linking agent couples the polymer chains together in the matrix and the linking agent is a multi-functional linking agent selected from a diepoxide, a diisocyanate, a diester or a combination thereof.

Thus removal of the phrase reading “the polymer chains are formed separately from the cross-linked matrix” narrows the prior allowed subject matter of the claim in a situation where the broader prior allowed subject matter had already been indicated as patentable. Thus, the amended claim must also be patentable such that no new search is required. Moreover, since language is only being removed from claim 24, no additional examination of any new language is required. Finally, only one claim cancellation and minor claim amendments are being made to the other claims such that no further examination should be required.

C. Why the Claims Are Patentable

The claims are patentable because the subject matter in the claims, including claim 24, has been examined by the U.S. Patent Office and has been determined patentable in view of the prior art. Claim 24 is the only independent claim being revised and narrowing of claim 24 should not change that determination of patentability. Moreover, any of the dependent claims being amended remain dependent upon claim 24 and are at least patentable based upon the patentability of claim 24. Further, none of the subject matter of the claims of the present application are taught or suggested by the prior art.

D. Why the Amendments Were Not Presented Earlier

The Amendment to claim 24 was not presented earlier because Applicants did not initially recognize the potential lack of clarity created by the Examiner’s Amendment to

claim 24. The amendments to the dependent claims were then necessitated by the amendment to claim 24.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

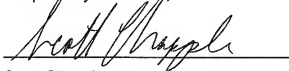
CONCLUSIONS

In view of Applicants' amendments and remarks, Applicants believe that the application is prepared for issuance and request that a patent be issued as soon as possible. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 04-1512 for any fee which may be due.

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Respectfully submitted,



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